

## **COSMETICS ACTIONABLE BECAUSE OF ADULTERATION WITH POISONOUS OR DELETERIOUS SUBSTANCES**

**161. Adulteration of Deo Deodorant. U. S. v. 264 Bottles \* \* \*. (F. D. C. No. 26917. Sample No. 7726-K.)**

**LIBEL FILED:** April 4, 1949, Western District of New York.

**ALLEGED SHIPMENT:** On or about April 1, 1948, by the Elmo Sales Corp., from Philadelphia, Pa.

**PRODUCT:** 264 1¼-ounce bottles of Deo Deodorant at Buffalo, N. Y. Analysis disclosed that the product was a primary irritant.

**LABEL, IN PART:** "Deodorant Deo Special."

**NATURE OF CHARGE:** Adulteration, Section 601 (a), the article bore or contained a poisonous or deleterious substance which may have rendered it injurious to users under such conditions of use as are customary to the use of deodorant cream.

**DISPOSITION:** May 9, 1949. Default decree of condemnation and destruction.

**162. Adulteration of Perma-Nail. U. S. v. 61 Bottles \* \* \*. (F. D. C. No. 26619. Sample No. 11130-K.)**

**LIBEL FILED:** February 25, 1949, Southern District of New York.

**ALLEGED SHIPMENT:** On or about November 11, 1947, by the Perma-Nail Co., from Burbank, Calif.

**PRODUCT:** 61 bottles of Perma-Nail at New York, N. Y. Analysis showed that the product contained synthetic rubber of the Perbunin type and phenol formaldehyde resin in methylethylketone.

**LABEL, IN PART:** (Carton) "Perma-Nail The Professional Base Coat ½ Fl. Oz. Directions 1. Remove old polish. 2. When nails are clean and thoroughly dry, apply Perma-Nail, dipping brush freshly for each nail. 3. Next apply nail polish."

**NATURE OF CHARGE:** Adulteration, Section 601 (a), the article bore or contained a poisonous or deleterious substance which may have rendered it injurious to users under the conditions of use prescribed in its labeling.

**DISPOSITION:** March 19, 1949. Default decree of condemnation. The product was ordered released to the Food and Drug Administration, to be used for further experimental work.

## **COSMETICS ACTIONABLE BECAUSE OF ADULTERATION WITH UNCERTIFIED COAL-TAR COLORS**

**163. Adulteration of Hawaiian Pressing Oil. U. S. v. Hawaiian Hair Products Corp. and Clyde F. Robinson. Pleas of guilty. Individual fined \$100 on each of the two counts and sentenced to serve 30 days in jail on each count, the sentence to run consecutively. No penalty imposed against corporation. (F. D. C. No. 25566. Sample No. 40122-K.)**

**INFORMATION FILED:** Between September 22 and November 17, 1948, District of Columbia, against the Hawaiian Hair Products Corp., Washington, D. C., and Clyde F. Robinson, treasurer and general manager, alleging that the defendants, on or about March 25, 1948, unlawfully caused to be introduced and delivered for introduction into interstate commerce at Washington, D. C., by sale and delivery to an individual, one jar of Hawaiian Pressing Oil which was adul-

terated. The information alleged further that on or about March 25, 1948, the defendants unlawfully caused to be manufactured within the District of Columbia a quantity of the product which was adulterated.

**LABEL, IN PART:** "Hawaiian Special Pressing Oil \* \* \* Mme. Bramlett-Willis Hawaiian Hair Products Corp. 5201 East Capitol St. Washington 9, D. C."

**NATURE OF CHARGE:** Adulteration, Section 601 (e), the article was not a hair dye and contained a coal-tar color, Butter Yellow (Colour Index No. 19), which had not been listed for use in cosmetics in accordance with the regulations and was other than one from a batch that had been certified.

**DISPOSITION:** November 17, 1948. Pleas of guilty having been entered, the individual was fined \$100 on each of the 2 counts of the information and was sentenced to serve 30 days in jail on each count, the sentence to run consecutively. No penalty was imposed against the corporation.

**164. Adulteration of Hawaiian Pressing Oil. U. S. v. 7 Jars, etc. (F. D. C. No. 24703. Sample No. 40122-K.)**

**LIBEL FILED:** April 1, 1948, District of Columbia.

**PRODUCT:** 7 5-pound jars, 3 3-pound jars, and 6 1-pound jars of Hawaiian Pressing Oil, which were held for sale in interstate commerce in the District of Columbia, by the Hawaiian Hair Products Corp.

**LABEL, IN PART:** "Hawaiian Special Pressing Oil."

**NATURE OF CHARGE:** Adulteration, Section 601 (e), the article was not a hair dye and contained a coal-tar color, para dimethyl-amino-azobenzene (Colour Index No. 19), which had not been listed as harmless and suitable for use in cosmetics and was other than one from a batch that had been certified in accordance with the regulations.

**DISPOSITION:** August 13, 1948. Default decree of condemnation. The product was ordered destroyed, with the exception of one 1-pound jar which was ordered delivered to the Federal Security Agency, for laboratory use.

**165. Adulteration of Contouré Special Formula. U. S. v. 11 Jars, etc. (F. D. C. No. 26423. Sample No. 10801-K.)**

**LIBEL FILED:** January 21, 1949, District of New Jersey.

**ALLEGED SHIPMENT:** On or about October 4, 1947, and February 19 and June 7, 1948, by the A. Breslauer Co., from Brooklyn, N. Y.

**PRODUCT:** 11 8-ounce jars and 57 2-ounce jars of Contouré Special Formula at Jersey City, N. J. The coloring matter in this product was from a batch that had been certified under the regulations. However, the regulations provide that authorization to certify coal-tar colors shall not be considered to authorize the certification of any coal-tar color for use in any article which is applied to the area of the eye; and, further, that a coal-tar color to be so applied shall be considered to be from a batch that has not been certified. The article was labeled as suitable for use around the eyes.

**LABEL, IN PART:** "Contouré Special Formula For Dry Skin" \* \* \* Especially recommended for use around the eyes and on the neck."

**NATURE OF CHARGE:** Adulteration, Section 601 (e), the article was not a hair dye and contained a coal-tar color other than one from a batch that had been certified in accordance with the regulations.